THE LEGISLATIVE ASSEMBLY.

Fifty-ninth Day.

WEDNESDAY, Aunn 5.8 The House met at 10 o'clock, the President, Hon. W. R. Castle, in the chair. Absent: Ministers Green, Austin and Thurston; Nobles Robinson, Jowsett, Jaeger, Wall, Townsend, Crapbell, Widemann, Makee and Bertelmann: Reps. Dowsett, Kalaukoa, Kauhi, Descon, Kinney, Maguire, Horner and Gay. Minutes read

NEW BILL. Minister Ashford read, a first time, by title, the bill given notice of yesterday, in the majority report of the Committee on the bill relating to the practice of dentistry.

REPORT OF COMMITTEE. Rep. F. Brown reported two bills printed. THE APPROPRIATION BILL.

The House went into committee of the whole, Rep. C. Brown in the chair, to take up consideration of the Appropriation bill, resumed from July 20th. Permanent settlement, J. O. Dominis.

Rep. Nakaleks moved the item be stricken at. If the Government wish to provide for Governor Dominis, they can make him tax assessor for one of the islands. They need have no difficulty in providing for

Rep. Paehaole said that in the discussion of this question in 1887, much had been said about Governor Dominis's long period of service. He had presented a petition on behalf of Daniel Napela, an aged teacher who had served the public well and faithfully in his line, for 37 years. Members were opposed to that petition, as they said, on the principle of the thing. The principle they maintained then, they are against now. He could not see the justice of voting a permanent settlement to Governor Dominis on account of his being a white man and refusing it to Napela on the ground of his being a native.

Noble Smith said if Napela was the hus-

band of the Heir Apparent, he would pro-bably vote for his receiving a pension. Governor Dominis had suffered greatly from illness. It would be discreditable to the country if he were reduced to beggary because of his physical infirmities.

The ayes and noes were taken on the

motion to strike out, as follows:

Ayes—Waterhouse, Luhiau, Richardson, Naone, Kanhi, C. Brown, F. Brown, Ka-mai, Kinney, Kamauoha, Paris, Nawahine, Daniels, Rice, Nakaleka, Kapaehaole-16. Noes-Green, Thurston, Ashford, Robin-son, Young, Smith, Foster, Wight, Notley, Wall, Townsend, Hitchcock, Baldwin, Balley, G. N. Wilcox, Dole, Hustace, Deacon, Kauhane, Helekumhi, Kawainui,

A. S. Wilcox-22. The item passed. Saiaries of Circuit Judges and travelling expenses, deferred. District Judges, Kau, \$1,200, and East

Kau, \$900, passed. Repairs to wharves, landings and buoys, Maui, \$2,500, passed. Pay of Road Supervisor, Honolulu, \$3,600, passed.

Expenses of Election, \$6,500, passed. Salary Auditor-General, \$10,000, passed. Salary of three Pilots, Honolulu, \$18,375, struck out. Pay of Police, Hawaii, \$53,000; Maui, \$43,000; Oahu, \$83,000; Kausi, \$21,500,

Inoidentals, Civil and Criminal expenses, \$15,000. Passed as recommended by the

select committee appointed July 11, and reported July 25, \$12,000. Noble Castle moved to insert: For expenses of suits relative to lands called un-divided lands, and Government claims in

lands, \$3,000. Passed. The Committee rose; the House resumed and took the usual noon recess.

Afternoon.

The House re-assembled at 1 o'clock. and went into Committee of the Whole, Noble Waterhouse in the chair, on the Appropriation bill.

English and Hawaiian common schools, \$115,000.

Noble Townsend said the Acts passed abolishing tuition fees would necessitate a larger item under this head. 'From estimates made by the Committee on Education, he would move this item be \$146,000. Noble Baldwin said he had an applica-

tion to make for \$2,500 for the East Maul

Female Seminary.

Minister Thurston said this seminary was one of the best educational institutions in the Kingdom, but he would be compelled, on general principles, to oppose the item. It might open the way to embar-rassing applications, in future, for government support of sectarian schools. Referred to the Committee on Educa-

Building and repairs of school-houses,

Noble Townsend moved this item be \$45,000. The reasons are similar to those advanced regarding schools.

Rep. C. Brown moved the item pass as in the bill.

Minister Thurston moved the matter be referred to the Education Committee to obtain definite information. Carried. Claim of E. C. Fishbourne, \$194. Reported on by the Finance Committee, July 14th. Passed.

Minister Thurston moved to insert, return of duties paid on articles for furnishing a church (Father Damien's) at Kalawao, \$103. Passed. Punchbowl hill road, \$8,000.

Noble Townsend moved the item be

Rep. Kinney moved it pass. The item was discussed by the Minister of Interior, Nobles Townsend, Baldwin, and Smith, Reps. Kinney, Nakaleka and

The motion to strike out was lost, 13 The item passed, on the following divi-

Ayes-Green, Austin, Thurston, Ash-ford, Robinson, Young, Jaeger, Castle, Waterhouse, Baldwin, Richardson, G. N. Wilcox, Dole, Hustace, Naone, Deacon, Kinney, Kauhane, Kamauoha, Daniels, A.

8. Wilcox, Rice—22.

Noes—Luhiau, Wight, Notley, Wall,
Townsend, Bailey, Kauhi, Kamai, Paris,
Nawahine, Helekunihi, Kawainui, Nakaleke, Paehaole—14.

Water works, Koloa, \$4,000, passed,
Water works, Wailuku, \$20,000, passed

oble Baldwin moved to insert, road. Makawao to Haleakala, \$2,000. Noble Wight said he thought this Legislature had caught the fever of all its pre-decessors. One principle of reform was that the liabilities should not exceed the

Noble Smith—It depends upon whose ox-how about the Waipio road?

Noble Wight—The Waipio road is a necessity. This is for tourists. The Kohala people are so public spirited that they were thinking of building the Waipio road

Noble Richardson said this idea about Notice Richardson said this idea good containing the Appropriation bill within the limits proposed by the Government was very well, but the honorable Noble from Kohala had set the ball rolling. Now, after he got what he wanted, he would like to shut others out. Maui has been very moderate in her demands. This proposed road is for the public benefit and not for

Rep. Kauhi said if it is intended to pay \$2,000 for people to get up to the top of Halenkula to see the sun rise, Ewa objects to it. The next we shall hear will be that

members having no high mountains in their districts will be applying for the building of towers for their constituents to get up to see the sun revolve its course irough the sky.

Noble Richardson moved the item read: improving the road from Makawao to Kaupo and Kipahulu by way of Haleakala, \$5,000. Lost.

The item, as moved by Noble Baldwin, was inserted. The Committee rose and the House re-

BILLS READY FOR APPROVAL Minister Austin reported three tills pre-sented to the King for signature. ACTS APPROVED.

Minister Austin reported the following five Acts signed by His Majesty: To re-establish the Commission for the Settlement of Boundaries. To amend Section 191 of the Civil Code.

as amended by Chapter XXVI. of the laws of 1886, relating to water rates. To amend Section 6 of Chapter XI. of the Penal Code (relating to seduction).

To Prohibit the Collection of Tuition Fees in certain Government schools.

To authorize the establishment of select schools in this Kingdom and to authorize the collecting of tuition fees therein. The House adjourned at 4:05 to 10

o'clock Thursday morning.

Sixtieth Day.

THURSDAY, Aug. 9. The House met at 10 v'clock, the President, Hon. W. R. Castle, in the chair. Absent: Ministers Green, Austin, Thurston and Ashford; Nobles Robinson, Dowsett, Young, Jaeger, Smith, Townsend, Baldwin, Bailey, Campbell, Widemann, Makee, Wilcox, Bertelmann and Dole; Reps. Hustace, Dowsett, Kalaukoa, Kauhi, F. Brown, Kinney, Maguire, Kauhane, Paris, Daniels, Horner, Gay and Nakaleka.

REPORTS OF COMMITTEES. Kawainui reported two bills Noble Richardson read the report of the committee appointed on the Protection of Fish bill, recommending amendments. Laid on the table to be considered with

the bill. DEAVE OF ABSENCE. Rep. C. Brown asked leave of absence for two weeks. Granted.

QUESTIONS TO MINISTER. Noble Richardson asked the following of the Minister of Foreign Affairs: 1. Has any complaint been made by the Japanese Government through its representatives as to the Japanese being excluded from the right to vote for represen-tatives to the Legislature? 2. If so, what answer has been returned

to such complaint? 3. Will the Government lay copies of the correspondence on the table ORDER OF THE DAY.

Pounds, etc.-Third reading of the bill: to amend and consolidate the law relating to pounds, estrays, brands and marks. Bail .- Third reading of the bill: amend-

ing Section 2 of Chapter L. of the Penal Code relating to bail. Passed. Opium .- Third reading of the bill: to regulate the importation and sale of opium in this Kingdom. Referred back to Enrollment Committee to be re-translated. Recess, at 11:50, one hour.

. Afternoon.

Re-assembled at I e'clock. A quorum was had at 1:12.

THE ELECTION BILL.

The House went into Committee of the Whole, Ren. F. Brown in the chair, on the Election bill. A commission, consisting of the Hons.

W. R. Castle, F. H. Hayselden and J. E. Bush, was appointed by a resolution of the Legislature of 1888, adopted September 16th, to revise the election laws of the Kingdom. Noble Castle presented the report of the commission on the 6th of last June with a draft of a new election law. This new bill was referred to a special committee, June 15th, consisting of Nobles Castle and Smith, the Attorney-General, Rep. C. Brown and the Minister of the Interior. Upon Noble Castle being elected President, June 22d, Noble Hitchcock was appointed, in his stead, on the election law committee. Special committee reported, with a revised and amended bill, on the

The revised bill was taken up section by section. Sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 17, 18, 20, 21, 22, 23, 24, 27 and 28 passed as

in the bill.

Section 9 was amended by changing Island of Kauai" to Islands of Kauai and Niihau.

Section 14 was amended by inserting "Wailuku District and" instead of the word "crest" in line 10; striking out the words, "of Hamakuapoko and Haiku lands" in lines 13 and 14, and inserting in place of them the words, "and west of Haleakala Gulch; also striking the words "and Honnaula" from the 14th line.

Section 15 was deferred.
Section 16 was amended by inserting in line 3, the words, "Puanaiea Point to and including" instead of "and excluding Kalalau to and excluding;" in line 7, "Puanaiea Point" instead of "Kalalau."

Section 19 was amended by substituting hold office" for "continue." Section 25 was amended by adding to it the words, " provided, however, that the requirements of being domiciled in the Kingdom for one year immediately pre-ceding the election, and of knowing how to read and write, either the English, Ha-waiian or some European language, shall not apply to persons residing in the Kingdom at the time of the promulgation of the Constitution, if they registered and voted under the first election which was held under the same.

Section 26 was amended by striking out all the words from and including "provided" in line 2 to and including " same.

Section 29 was deferred Section 30 had a verbal smendment en-

RESOLUTION. Minister Thurston moved that the tax assessors and collectors bill be a special order for Friday. Carried.

INVITATION TO A BALL. The President read an invitation to members to attend a ball at the Hawaiian Hotel on Friday evening, to be given in honor of the Captain and officers of the

. S. S. Omaha. The Clerk was, on motion, directed to acknowledge the communication, with thanks. At 4:35, the House adjourned to 10

o'clock, Friday morning.

Sixty-first Day.

FRIDAY, Aug. 10. The House met at 10 o'clock, a. m., the President, Hon. W. R. Castle, in the chair. Absent: Ministers Green, Austin, Thurston and Ashford; Nobles Robinson, Dowsett, Jaeger. Smith, Foster, Wall, Campbell, Widemann. Makee, Wilcox. Bertelmann; Reps. Hustace, Dowsett. Kalaukoa, Kauhi, Kinney, Maguire, Kamauoha, Horner, Gay. Minutes read and

RESOLUTION. Noble Hitchcock moved the following: | question: "Shall this Act become a law Resolved, that on and after Monday next, notwithstanding the Veto of the King?"

August 13, the daily sessions of this House ommence at 9 o'clock a. m. Adopted.

ORDER OF THE DAY. Security for Depositors.—Third reading of the bill: to give greater security to depositors in the Hawaiian Postal Savings Bank, Passed.

Tax Assessors and Collectors,-Second reading of the bill, introduced by Minister Green, July 21, to amend and regulate the law relating to the appointment and tenure of office of tax assessors and collectors, and the assessment of taxes. Taken up section by section, with the report of select com-

mittee, 7th inst., thereon.

Section 1 divides the Kingdom into four districts, (1) O-hu, (2) Maui, Molokai, Lanai and Kahoolawe, (3) Hawaii, (4) Kauai and Niihau.

Section 2 requires the appointment, on or before April 1, 1859, of an Assessor of taxes, for each taxation district.

THE SECOND VETO MESSAGE. The following was delivered to the President by a messenger from the King, and read to the House:

To the Hon. W. R. Castle, President of the Legislative Assembly of the Kingdom, Sir.—The bill entitled "An Act to regulate the keeping of books of account by wholesale and retail license," has been submitted for our approval, and I return the same without My signature for the follow-

ing reasons: Firstly. Section II. of the Act is in con-travention of Article 12th of the Constitu-

Secondly. The Act is in contravention of Article 13th of the Constitution. Thirdly. The Act subjects persons to penalties for dereliction which it may not be in their power to avoid. Such an Act is not only unreasonable and impartial, but oppressive and in restraint of com-

Done at our Palace at Iolani Hale on this 7th day of August, A. D., 1888. Kalakava Rex.

Laid on the table to be considered after the special order of the day. ORDER OF THE DAY.

Resumed consideration of the tax asssor's bill, at Section 2. Noble Smith moved to amend by adding, fter the word "Cabinet" in line 1, the following: "upon the nomination in writing of a majority of the Nobles of each taxation division. Noon recess, one hour.

Afternoon.

Re-assembled at 1 o'clock. Consideration of the tax assessor's bill, ontinued. The amendment proposed by Noble Smith was discussed by the mover and Rep. Kauhi, for; the Attorney-General, Minister of Interior and Noble Young.

Noble Hitchcock would like to see assessors elected in the districts where they are to serve. He moved an amendment, to insert in line 2, "and Collector" after the word assessor.

Brown moved that the section read, as follows: Section 2. The selection of the Assessor and Collector of taxes for each taxation division, shall be by ballot, cast by the members of the Legislature, in session as-sembled, and such Assessor so selected

shall hold office until his successor is elected by the said body. Rep. Kauhi took the floor and spoke at great length. Members resorted to the lobbies. "No quorum" was called several

Noble Young moved the "previous question." Members swarmed in and carried Rep. Brown's and Noble Smith's amendnents were lost. Noble Hitchcock's amendment

adopted and the section, so amended, passed, as follows: Section 2. The Minister of Finance, with the approval of the Cabinet, shall on or be-fore the first day of April, 1889, appoint an division of the Kingdom.

Section 3 passed, minus the word "who, Section 4. Noble Smith moved to strike out of line 4, the words, " and Collectors.

Passed as in the bill. Sections 5 and 6 passed as in the bill. The committee recommended striking out of the 7th Section, the word "real," in the fifth line, and the insertion of the words, "in his opinion," after "shall" in

words, "in his opinion," after "shall" in the eighth line. Adopted. Rep. Deacon moved to insert, after "estate," in the fifth line, the words "or personal property." Withdrawn. Rep. Kamauoha moved to amend by substituting for \$20,000, "the total amount of the taxes in all the districts, on the basis of the taxes collected in 1888."

Minister Ashford moved that the House return to the order of business, "Resolu-tions." Carried. Minister Ashford then moved the fol

Resolved. That the reconsideration of bill No. 70, being "An Act to regulate the keeping of books of account by wholesale and retail licensees," this day returned to this House without His Majesty's approval, be proceeded with forthwith. Rep. Pachaole moved the reconsidera-tion be set for the 15th inst. Lost. Minister Ashford's resolution

adopted.

The message was read in English by the lerk and in Hawaiian by the Interpreter. Noble Smith asked if any statement had een made by the Ministers relative to this matter. He was not present in the forenoon when the message was received. Be fore proceeding further he thought some statement should be heard from Ministers f none had already been made. He would like to be informed as to the advice given to His Majesty by the Cabinet.

Minister Thurston said that after the first Veto, the Ministers had presented the King with their views and conveyed to him what they believed to be the views of the House. They advised him distinctly and urgently, though respectfully, after learning that he had it in mind to Veto this Act, not to take that course without consulting with the Ministers, who would e ready to confer with him at any time They advised him that such a course would have the effect of bringing him into conflict with the Legislature and would there-fore be derogatory to the dignity of the

Sovereign.

Rep. Kamauoha asked the Attorney-General and Ministers for their opinions on the merits of the objections set forth in the Veto message.

Minister Ashford said the objections, on constitutional grounds, are not well founded. The obligation to keep books in the prescribed languages, under this Act, would, in the terms of the license, be a matter of open contract. Persons applying for licenses would know the terms beforehand. Similar laws are in operation in other countries. German firms doing business in England keep their books in English, and English firms in Germany keep their books there in German. The provision by which officers of government are authorized to enter a licensee's place of business and see his books had a prece dent in the opium license Act of 1886. No search can be unreasonable that is previously bargained for and agreed to. The objection based on Article 13 of the Constitution is of no force. Article 13 has no more bearing on the Act than has the article providing for liberty of worship.

the matter cleared up satisfactorily, he would vote for the passage of the Act. Noble Baldwin thought the explanations of the Attorney-General good and sound. The case has been as fully discussed as necessary. He would not move the previous question, but would call "ninau."
The ayes and noes were taken on the

Rep. Kamauoha said that having heard

and was decided in the affirmative on the following division: AYES.

A. C. Sec.	200
Nobles-	Reps.—
M. P. Robinson1	A. Kauhi
Alex. Young1	J. Nakaleka
A. Jaeger 1	1.2
W. R. Castle 1	Total
W. O. Smith 1	
Hy. Waterhouse. I	
W. E. Foster 1	
S. C. LuhianI	
James Wight 1	
Chas. Notley1	
Chas. Wall 1 H. S. Townsend 1	
H. S. Townsend1	
D. H. Hitchcock1 H. P. Baldwin1	
E. H. Bailey 1	
John Richardson 1	
P. N. Makee 1	
G. N. Wilcox 1	
G. H. Dole 1	
Reps.—	
Frank Hustace 1	
A. P. Kalaukoa 1	
D. L. Naone	
Frank Brown 1	
Henry Deacon1	
D. Kamai 1	
W. A. Kinney1	
J. Kauhane1	
G. P. Kamauoha . 1 J. D. Paris 1	
O. Nawahine1	
W. H. Daniels1	
E. Helekunihi1	
J. U. Kawainui. 1	
A. S. Wilcox 1	
W. H. Rice1	
A. P. Pachaole 1	
-	

The President-This Act will therefore ecome a law. Noble Waterhouse moved the House adourn to 10 o'clock Saturday morning. Adjourned at 4:12.

Supreme Court of the Hawaiian Islands--In Banco. July Term, 1888. KEAMALU VS LUHAU ET AL., EJECT-MENT.

JUDD, C. J., M'CULLY, PRESTON, BICKERTON, DOLE, J. J.

Opinion of the Court by BICKERTON, J. This is a suit in ejectment, and came on for trial at the April Term, 1888, before Mr. Justice Dole and a jury, resulting in a verdict for plaintiff for half the land claimed; to which verdict the defendant duly excepted as contrary to the law and the evidence, and the weight of evi

dence. The request for instructions by defendant marked Second, Fourth and Fifth, being refused by the Court, the defendant duly excepted

and the same were allowed. The defendant also excepted to the instructions to the jury, that "If Luhan during the period of his alleged adverse possession applied to the Court of Probate for letters of administration with a view of ascertaining who were the heirs of Polani, the application would in itself break the chain of adverse posses-

"That would be giving up his adverse possession to the Court to decide, and this would be so, even though in the application for administration the applicant Luhau stated that he and his cousin Lukahili were | certain amendments. the only heirs of Polani (w.)," to Assessor and Collector of taxes, hereinafter called the "Assessor," for each taxation duly excepted, and the exception is improper for parties to file so called comes here on a duly allowed Bill of Exceptions.

BY THE COURT: The first instruction asked for and refused, by the Court, and marked "Second Instruc-

tion," is as follows: "No person shall commence an action to recover possession of any lands, or make any entry thereon, unless within twenty years, after the right to bring such action first accrued. And this law would bar the plaintiff if continuously during twenty years, he failed to bring suit, the land during that time being held adversely to him by others. And by the Clerk in the margin as allowed under our Statutes the possession of | by the Court. the adverse claimants may have been

adverse to each other." This instruction as asked for would not require the defendant to show any ouster, or any continuous possession on the part of any one, and would bar a plaintiff, from recovering, even if the land had been

entirely vacant during twenty years. This question is settled, in the case of Rose vs. Smith, 5 Haw. 377, where the Court holds that "plaintiff in ejectment need not show possession within twenty years if he shows title

and no adverse possession is proved." The fourth instruction which was has alleged that be is entitled to the allegations in the special count, i. c., land in fee simple by inheritance from Polani, and he must prove it. of April, 1887, for service for one It is not enough for him to prove that he is the heir of Kaneakua, or lars a month, and a wrongful disof some other person, who was the missal at the end of nine months. heir of Polani; it must be proved that he was Polani's heir." This ex few lines. ception is disposed of by Elikapeka vs. The Ookala Sugar Company, 4

Haw. 625, where the Court say : "The defendant's counsel moved for the direction of a verdict for the deas heirs of the patentee, and proved that they were heirs of his heirs. "We think this was not such a de-

fect in pleading, if it were a defect, as to entitle the defendant to relief

"We think the plaintiff may be termed by privity the remote heirs of the patentee." The fifth instruction which was refused is as follows: "There was no

law of inheritance before 1858, by

which a mother could inherit the estate of her daughter, or the collateral heirs of the mother either." This exception is answered by the Act of 1850, to regulate the descent of property, which provides for such inheritance, the portion of Section 1448 of the Compiled Laws, refer-

and taken from it. Counsel seems to have overlooked this fact. Luhau's petition for administration shows that Polani died after

ring to this question being in exactly

the same words as the Act of 1850,

1850, viz.: in 1854. The instruction given by the

Luhau for letters of administration, missal. we think was not applicable to the evidence produced by the defendant, and could not have prejudiced him, for we do not find that there was evidence in the case on which it could be seriously contended, that there had been an adverse possession for twenty years.

It is evident to us, that the jury found the verdict they did, viz.: one half of land for plaintiff, on the theory that both of Polani's (the patentee's) parents survived her, and that plaintiff inherited from Kaneakua (w.), Polani's mother, and defendant from Kamoa (k.), Polani's father.

There was no evidence whatever of any ouster. Kaia vs. Kamaili, 4

Haw. 352, is a case in point. The evidence in that case showed that the plaintiff and defendant were co-heirs and tenants in common, and opportunity for an investment that the plaintiff had never been ousted by the defendant: the Court charged the jury, that if they so found, the statute of limitation would not run against the plaintiff: the jury rendered a verdict for the defendant for the whole estate: the trial Court set aside the verdict and ordered judgment for plaintiff for one half of the estate non obstante veredicto.

Held, no error, as the evidence was conclusive that there had been no ouster and that the plaintiff and defendant were co-heirs.

In the case at bar the jury must have found from the evidence, that the plaintiff and defendant were coheirs, and that there was no distinct ouster shown, consequently the possession of one was the possession of

the other. The exception to the verdict as contrary to the law and weight of evidence must be overruled, for we find the verdict is fully sustained by the law and the evidence.

Exceptions overruled. F. M. Hatch for plaintiff; W. A. Kinney for defendant. Honolulu, August 7, 1888.

Supreme Court of the Hawaiian Islands-In Banco. July Term, 1888. J. S. MARTIN VS. L. B. KERR.

Appeal from the decision of Dole J., over ruling defendant's demurrer.

BEFORE JUDD, C. J., M'CULLY, PRESTON, BICK-FRION AND DOLE, JJ. Opinion of the Court by PRESTON J.

This is an action of assumpsit to recover damages for the alleged wrongful dismissal of the plaintiff from the service of the defendant. and for wages due at the time of

such dismissal. A demnrrer was filed by the defendant which was sustained, and the plaintiff had leave to amend his declaration, and he accordingly filed

We will, at the outset, take the op was allowed; and the matter now amendments to a declaration, merely stating that the plaintiff amends his declaration by inserting the words "in writing," after the word "promises," and so on, as was done in this case. It compels the Court to read through a long pleading, and to refer to the amendments, which is very embarrassing. Where, as in this case, there are several amendments, the proper course is to file an amended

declaration. When, as sometimes is the case, the amendment is only in a word or two, the amendment may be made on the original declaration and noted

The defendant demurred to the declaration as amended. The demurrer was argued at the last April term before Mr. Justice

Dole and was overruled. The defendant appealed. We have been at considerable trouble in endeavoring to arrive at the true meaning of the declaration, which seems to be framed in total violation of all rules of pleading, overloaded with irrelevant allegations, verbose, and calculated to em

barrass the fair trial of the cause. We have, after considerable doubt, arrived at the conclusion that a cause refused is as follows: "The plaintiff of action can be gathered from the an oral contract made on the third year, at a salary of two hundred dol-

This might have been stated in a

If we are correct as to the meaning

of the plaintiff's claim, and we can uphold the declaration upon no other view, all questions as to the alleged inducements contained in the defendant, because the plaintiff claimed | fendant's letter, the plaintiff's traveling expenses and other claims made, cannot be gone into at the trial, and he will only be allowed to recover such damages as would necessarily | Dated Honolulu June 30, 1888.

Court in regard to the application of flow from the alleged wrongful dis-

We see nothing, except unnecessary averments, objectionable in the second and third counts; under which counts the plaintiff can recover whatever wages might have been owing to him on the thirty-first December, the date of the alleged wrongful dismissal.

The order overruling the demurrer is affirmed and the appeal dismissed, but as the Court has had considerable doubt upon the matter, there will be no attorney's fees allowed in the costs.

Ashford & Ashford for plaintiff; A. S. Hartwell for defendant. August 6, 1888.

Advertisements.

MR. GEORGE W. C. JONES offers For Sale the well-known Kahuku Ranch Property,

situated in the District of KAU, HAWAII. The Ahupuas of Kihuku, being Boyal Patent No. 2791, issued to Chas. C. Harris, containing an area of 184.623 Acres, by actual survey, boundaries having been settled, forms the major part of this rauch.

The land has over six miles of sea coast with good fathers and boat landing and extends

good fishery and boat landing, and extends from the sea to the crater of Mokuaweoweo, summit of Mauis Loa.

The upland country is suitable for the raising of sheep, goats or cattle, there being open tracts of two to three miles in width by miles in

or two to length.

The Ranch Buildings are situated on the Government road from Kau to Kona and are about seven miles from the Kaalualu landing, to which there is a good cart road. The Stock now on the Ranch consists of a herd of remarkably genile

CATTLE.

most of it being from milking stock, anmbering 2000 head, more or less, of the following breeds: DURHAM, from "Cherry Prince," im-ported by Theo. H. Davies: "Martin Bolton," imported by Thos. Cummins; "Ohelo," imported by Hon. L. McCully, and "Romeo," imported by Bowley Bros. AYRSHIRE, from Duke of York. POLL ANGUS, from the importations of Chas. G. Hopkins, and Hon Jas. L. Dowsett, HOLSTEIN, from importations of Hon. L. McCulle. HORSES.

among which are 30 well broken saddle horses, 20 broad mares and 40 colfs from the follow-ing well-known Stallions: "El Capitan," im-ported by W. H. Bailey, Esq., "Kossuth," and "Jupiter." All the buildings and implements for a com-plete ranch will be found on the estate. s Zer For further particulars apply to

Oahu College & Punahou Preparatory School.

HONOLULU, H. I. Fall Te: ms opens Monday, Nept. 10, '88 The faculty at Cahu College will be consti-

Honolulu, August 7, 1888.

The faculty at Oahn College will be constituted as follows:
Rev. W. U. Merritt, A. B., Yale College—
President—Mental and Natural Sciences.
Prof A. B. Lyons, A. M., M. D., Williams'
College—Chemistry and Natural Sciences.
Rev. A. D. Bissell, A. B., Amherst Cellege—
Instrumental and Vocal Music.
Mies M. Ella Spooner, Mt. Holyoke Seminary
Latin and English Literature.
Miss H. E. Unshman, A. B., Oberlin College—
Greek, Mathematics and Rhetoric.
Mrs. L. D. Primey—French, Mathematics and
English.

Engilsh.
These are all successful teachers who have had experience in their respective departments.

The faculty at the Punahon Preparatory School will consist of the following well known suc-Miss N. J. Malone-Principal-1st and 24

Grades.
Miss Margaret Brower-3d and 4th Grades.
Miss E. B. Snow-5th and 5th Grades.
Miss Helen S. Chamberlain-7th and 8th Grades.
The Boarding Department will be under the same management as heretofore, and Trustees are confident that it offers bette lieges as a school house than can be obtained elsewhere for the same money.

It is desired that early application should be made for all intending to enter either school.

1230-41

NEW COODS!

The undersigned calls the attention of the pub-lic to new lines of goods just received ex. late arrivals, embracing.

Hawaiian, American and English FLAGS,

Baseball Goods, Novels, Bound Story Books. Japanese-English, English-Japanese

Phrase Books and Dictions les A COMPLETE LINE OF

Plain, and Fancy Stationery' Together with everything to be found in a well-appointed stationery store.

M. HEWETT. MERCHANT STREET. 1221-5m

INSPECTION IS INVITED. 184

Notice of Co-partnership. NOTICE IS HEREBY GIVEN THAT THE UNdersigned have formed a special partnership under the firm name of John F. Colburn & Co., in the business of buying and selling Hay and Grain and General Merchandise, at the building formerly occup et by the Pacific Navigation Co. on Queen street, in Honoiuti, Cahu. That the names of the partners are: John F. Colburn and S. Roth, both residing in said Honoiulu, and that the said John F. Colburn is general partners and the said S. Roth, special general pariner and the said S. Roth, special partner. Said parinership to commence from July 1, 1888.

JOHN F. COLBURN.
S. ROTH.

THIS SPACE

RESERVED

---FOR -

Equitable Life Ins. Co.

--- IS -- -